



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 278-00

28 December 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Dunn, Mr. Beckett and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 19 December 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 16 April 1992 at age 21. He reported for two years of active duty on 22 April 1992. The record shows that on 25 July 1992 he was advanced to AA (E-2). He was released from active duty on 5 April 1994 with his service characterized as honorable. The narrative reason for separation is "Insufficient retainability-economic reason". At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner's enlisted performance record (page 9) shows that he was evaluated on three occasions and received no marks

below 3.2. In the last evaluation he was assigned marks of 3.4 in every category. An entry dated 14 March 1994 made by his command shows that he was recommended for retention. However, the next entry, dated 4 April 1994, by the Transient Personnel Unit, states that he was not recommended for retention.

e. The Board is aware that prior to 28 June 1993 the assignment of an RE-4 reenlistment was required when an individual failed to meet professional growth criteria by advancement to pay grade E-3 during an extended period of active duty. After that date, the regulations allowed for the assignment of an RE-7 reenlistment code to a reservist completing an initial two year active duty obligation. This code is not considered to be derogatory. An RE-4 reenlistment code could still be assigned if warranted by the service record.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner's last evaluation shows no marks below 3.4 and he was recommended for retention by his command. Since he was a reservist completing his initial two year active duty obligation, the Board concludes that the RE-4 reenlistment code was assigned in error. Therefore, the record should be corrected to show that on 5 April 1994 he was assigned an RE-7 reenlistment code vice the RE-4 reenlistment code now of record.

RECOMMENDATION:

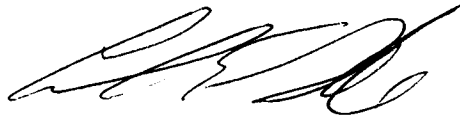
a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 5 April 1994 he was assigned an RE-7 reenlistment code vice the RE-4 reenlistment code now of record.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director